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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,792	12/14/2004	Robert Meisenecker	30566358USWO	8710

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EXAMINER

JONES, HUGH M

ART UNIT PAPER NUMBER

2128

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,792	<b>Applicant(s)</b> MEISENECKER	
	<b>Examiner</b> Hugh Jones	<b>Art Unit</b> 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/14/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-18 of U. S. Application 10/517,792, filed 12/14/2004, are pending.

### Specification

2. The specification does not comport with standard US format. For example, there is no distinction between the background of the invention and the summary of the invention. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

**Claim Objections**

3. Claims 1-18 are objected to because of the following informalities: all claims recite numbers that correspond to figure elements and/or the specification. This appears to be an improper "means for" construction and does not comport with standard US practice. Such recitations are provided no patentable weight.

4. Please keep the following in mind when amending:

A 112 6th invocation by the Applicants requires they meet the following 3-prong test:

(A) the claim limitations must use the phrase "means for " or "step for;

(B) the "means for " or "step for " must be modified by functional language;  
and

(C) the phrase "means for " or "step for " must not be modified by sufficient structure, material or acts for achieving the specified function.

**Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: those related to, for example, "solving problems", "identify a possible problem", "receiving a user action", "providing assistance".

7. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. These claims are omnibus type claims. This is due in part to the use of terms such as

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"solving problems", "identify a possible problem", "receiving a user action", "providing assistance". The metes and bounds of the claimed invention are impossible to determine.

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Krause et al. (Applicant's IDS).

10. Krause et al. discloses :

1. A method for solving problems that are related to geometrical properties of objects (36, 40) processed by a CAD program (10), said method comprising the following steps performed by a computer:

identifying a possible problem related to a geometrical property of at least one object (36, 40) processed by said CAD program (10) [abstract; see entire paper],

displaying an indicator symbol (26, 52) in a drawing window (12) of said CAD program (10), said indicator symbol (26, 52) being shown in graphical association with at least one entity (20, 24, 38, 50) processed by said CAD program (10), said entity (20, 24, 38, 50) being related to said identified possible problem [sections 3-4. See fig. 5-6],

receiving a user action related to the indicator symbol (26, 52) [sections 3-4; fig. 5; pg. 252 - col. 2],

providing problem solving assistance to the user in response to said user action [section 5; fig. 5; pg. 252 - col. 2].

2. The method of claim 1, wherein said problem solving assistance provided to said user comprises presenting said user with at least one problem solving command [sections 3-4; fig. 5; pg. 252 - col. 2].

3. The method of claim 2, wherein said problem solving command is only executed in response to a further user action [sections 3-4; fig. 5; pg. 252 - col. 2].

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4. The method of claim 1, wherein said problem solving assistance provided to said user comprises presenting said user with a description of said possible problem [sections 3-4; fig. 5; pg. 252 – col. 2].

5. The method of claim 1, wherein said possible problem is identified by the computer during execution of an operation of said CAD program (10) [sections 3-4; fig. 5; pg. 252 – col. 2].

6. The method of claim 5, wherein said operation of said CAD program (10) is a dimensioning operation [sections 3-4; fig. 5; pg. 252 – col. 2].

7. The method of claim 1, wherein said possible problem is identified in response to an initial user action indicating at least one problem-related entity (50) processed by said CAD program [sections 3-4; fig. 5; pg. 252 – col. 2].

8. The method of claim 1, comprising the further steps of: determining whether or not the problem has been solved, and removing the indicator symbol (26, 52) if the problem has been solved [sections 3-4; fig. 5; pg. 252 – col. 2].

11. Claims 9-18 are rejected for the same reasons.

**12. Any inquiry concerning this communication or earlier communications from the examiner should be:**

directed to: Dr. Hugh Jones telephone number (571) 272-3781,

Monday-Thursday 0830 to 0700 ET,

**or**

the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

**mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051 (for formal communications intended for entry)

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*or* (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

September 15, 2006

HUGH JONES Ph.D.  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100